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COMMENTS WITH REGARDS TO
DECISION OF
JUDGE VAN GRAAFEILAND
ON 24th JUNE, 1993
X X

SUBMITTED TO: AGENT ORANGE COORDINATING COUNCIL
ATTENTION: ADMIRAL ELMO R. ZUMWALT, JR. [Ret.]
CHAIRMAN;

SUBMITTED BY: JAMES H. BURDGE, SR.
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= Pager

DATED: 30th JULY, 1993

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INTRODUCTION

PLEASE KEEP IN MIND, THAT I AM NOT AN ATTORNEY, NOR DO I CLAIM TO BE. I AM A VIETNAM VETERAN, WHO WAS DIRECTLY SPRAYED WITH THE HERBICIDE COMMONLY KNOWN AS "AGENT ORANGE/DIOXIN", MANY YEARS AGO, AS SO MANY OF MY BROTHERS AND SISTERS WERE. AND TO THIS DAY, THEY AND THEIR FAMILIES STILL FEEL THE EFFECTS OF THIS EXPOSURE.

I HAVE READ THE DECISION OF JUDGE VAN GRAAFEILAND DATED 24th JUNE, 1993, AND THO THE CURRENT LAW MAY BE ON HIS SIDE, I FEEL THERE HAVE BEEN MANY MISTAKES MADE WITH THE LAW, AND I WOULD LIKE TO SEE THEM CHANGED. IT SEEMS TO ME THAT THE LAWS COVERING THE AGENT ORANGE/DIOXIN ISSUE, WERE MADE NOT TO BENEFIT THE VETERAN, OR HIS/HER FAMILY MEMBER, BUT TO BENEFIT THE COURTS, THE FEDERAL GOVERNMENT, AND THE CHEMICAL COMPANIES, AS THE CHEMICAL COMPANIES KNEW OF THE PROBLEM WHEN THEY WERE MANUFACTURING THE HERBICIDE, AND THE FEDERAL GOVERNMENT KNEW OF THE HARM IT WOULD CAUSE TO HUMANS, AND ALL PARTIES INVOLVED [except for the veterans'], KNEW OF THE COST IN DOLLARS IF THE TRUTH EVER CAME OUT.

I HOPE THESE COMMENTS CAN HAVE SOME SORT OF A BEARING ON THE "IVY CASE", AS NOT ONLY SHIRLEY IVY AND DONALD IVY, AND THE OTHER NAMED PLAINTIFFS IN THIS CASE HAVE NOT BEEN ABLE TO HAVE THEIR DAY IN COURT, IN FRONT OF A JURY OF THEIR PEERS, BUT NEITHER HAS ANY VIETNAM VETERAN FROM MDL-381.

KEEP IN MIND, VIETNAM VETERANS' ARE THE ONLY
GROUP OF AMERICAN CITIZENS IN THIS COUNTRY,
THAT CAN NOT GET THEIR DAY IN COURT, IN FRONT
OF A JURY. IF YOU COMMIT A CRIME, AT LEAST YOU
GET A JURY TO DECIDE YOUR CASE, EITHER GUILTY
OR NOT GUILTY, BUT NOT WITH VIETNAM VETERANS'
AND THE AGENT ORANGE/DIOXIN ISSUE.

IS THIS WHAT MYSELF, AND AROUND 2.5 MILLION
AMERICAN MEN AND WOMEN FOUGHT FOR IN VIETNAM.
YOU BE THE JUDGE, NOT THE COURTS!!!!

MDL-381 OPT OUT DEADLINE

IN JUDGE VAN GRAAFEILAND'S RULING OF 24th JUNE, 1993, ON PAGE #4181 UNDER SECTION PRINTED AS "Id. at 729", IT SPOKE ABOUT THE OPT OUT RULES AND THE OPT OUT DEADLINE WAS 1st MAY, 1984. WELL IN THE WORK THAT I HAVE DONE WITH THE VIETNAM VETERAN/AGENT ORANGE HEALTH STUDY, VETERANS' HAVE TOLD ME THAT THEY DID NOT KNOW THAT THEY COULD "OPT OUT". SOME VETERANS' HAVE EVEN TOLD ME THAT THEY DID NOT EVEN KNOW THERE WAS AN AGENT ORANGE LAWSUIT KNOWN AS "MDL-381", BACK IN 1984. SO I FEEL THAT THIS RULE IS WRONG.

CAUSATION AND CERTIFIED CLASS MEMBERS

IN JUDGE VAN GRAAFEILANDS RULING OF 24th JUNE, 1993, ON PAGE #4182, IT SPOKE ON TWO ISSUES. ONE WAS CAUSATION AND THE OTHER WAS CERTIFICATION.

CAUSATION:

BACK IN 1984, THE FEDERAL GOVERNMENT AND THE CHEMICAL COMPANIES ALL AGREED THAT THERE WAS NO "CAUSE AND EFFECT". JUDGE WEINSTEIN EVEN STATED THAT MANY TIMES. IF THE COURT RECORDS WERE RESEARCHED THERE SHOULD BE FOUND A DOCUMENT KNOWN AS A MEMO FROM DOW CHEMICAL IN MIDLAND, MICHIGAN TO DOW CHEMICAL IN CANADA [dated in 1965], AND THE MEMO SPOKE ABOUT WHAT THEY FOUND IN THEIR RESEARCH IN 1965 AND THEY KNEW IT WOULD CAUSE HEALTH PROBLEMS. [Refer to case in Canada courts known as S.,O.D.A. vs., Dow Chemical of Canada - 1992].

IF THIS DOCUMENT WAS ALLOWED TO BE USED IN A TRIAL, IT MAY HAVE PROVED THE VETERANS' CASE OF CAUSATION.

CERTIFIED CLASS MEMBERS:

BACK IN 1984 WHEN JUDGE WEINSTEIN HAD CERTIFIED THE CLASS, THERE WERE MANY VIETNAM VETERANS' IN THIS COUNTRY KNOWN AS "CLOSET VETS", WHO WERE NOT INVOLVED IN ANY VETERANS' ORGANIZATION, AND WERE SUFFERING FROM "P.T.S.D."

IF THE COURT IN 1984 HAD TRIED A LITTLE HARDER TO FIND VIETNAM VETERANS', THEY MAY HAVE HAD MORE SUCCESS. THERE WERE MANY VIETNAM VETERANS' THAT CAME BACK TO THIS COUNTRY AND WENT TO LIVE IN THE MOUNTAINS AND LIVE OFF THE LAND. SOME VETERANS' FOR YEARS NEVER WATCHED A TV, LISTENED TO A RADIO,

OR READ A NEWSPAPER, OR THEY SUFFERED SO BAD FROM PTSD, THAT THEY DIDN'T EVEN KNOW WHICH WAY WAS UP.
"WHAT ABOUT THEM"???

AND WHAT ABOUT THE VIETNAM VETERAN WHO WAS IN JAIL AND HAD NO WAY OF KNOWING ABOUT MDL-381, OR CONTACTING THE COURT SYSTEM BY 1st MAY, 1984. ARE THESE PEOPLE CERTIFIED AS CLASS MEMBERS??? BY JUDGE WEINSTEIN'S RULING OF 1984, THEY WOULD BE, BUT I DON'T AGREE!!!

OR WHAT ABOUT THE VETERAN WHO HAD NO KNOWLEDGE OF THE 1984 WEINSTEIN SETTLEMENT, BUT DEVELOPED CANCER IN 1986 OR 1987???

USE THIS EXAMPLE #1: YOU ARE DRIVING DOWN A STREET IN YOUR CAR AND GET INTO AN ACCIDENT. AFTER THE CASE GOES TO COURT, YOU ARE THEN ONLY ABLE TO COLLECT DAMAGES. BUT IF YOU ARE DRIVING DOWN A STREET AND YOU DON'T GET IN AN ACCIDENT, CAN YOU COLLECT????

USE THIS EXAMPLE #2: YOU WORK FOR A COMPANY AND GET INJURED, YOU ARE OUT OF WORK COLLECTING WORKERS COMPENSATION. ONLY AFTER THE DOCTOR RELEASES YOU DO YOU COLLECT YOUR FINAL SETTLEMENT PAYMENTS!!! IF YOU WORK FOR A COMPANY AND DON'T GET INJURED, CAN YOU COLLECT ANY MONEY????? THE AGENT ORANGE LAWSUIT SETTLEMENT IS THE SAME THING. "HOW CAN YOU COLLECT MONEY OR BE PART OF A CASE IN 1984, IF YOU ARE NOT REALLY INJURED IN 1984"????????????? LETS USE SOME BASIC COMMON SENSE!!!

MDL-381 GENERAL CAUSATION

IN JUDGE VAN GRAAFEILANDS RULING OF 24th JUNE, 1993, IT SPOKE ON PAGE #4200, ABOUT "GENERAL CAUSATION". THE COURT IN 1984 STATED THERE WAS NO SCIENTIFIC PROOF OF CAUSATION DUE TO EXPOSURE TO AGENT ORANGE/DIOXIN IN VIETNAM VETERANS'. AT THAT TIME THERE WAS INDEED CAUSATION, IF THE COURT LOOKED FOR IT. THERE IS ALSO PROOF OF CAUSATION NOW, [Refer to the report of the National Academy Of Sciences Report to the VA released on 7/27/93]. THE STUDIES THAT THE N.A.S. REVIEWED WERE AROUND IN 1984. WHY DIDN'T JUDGE WEINSTEIN USE THESE STUDIES BEFORE HE SETTLED THE MDL-381 CASE????

KEEP IN MIND THAT THE ATTORNEYS THAT THE COURT HAD APPOINTED TO REPRESENT THE VETERANS' HAD SETTLED MDL-381. THE VETERANS' DID NOT WANT A SETTLEMENT. THE VETERANS' WANTED THE CASE TO GO TO TRIAL.

ON PAGE #4201 OF THE SAME RULING IT STATED THAT THERE WAS "DIM PROSPECTS OF SUCCESS BOTH THEN AND NOW OF VETERANS' WINNING". I FEEL THE COURT WAS VERY WRONG. THE PROOF OF CAUSATION WAS THERE IN 1984 AS IT IS TODAY IN THE N.A.S., REPORT OF 1993.

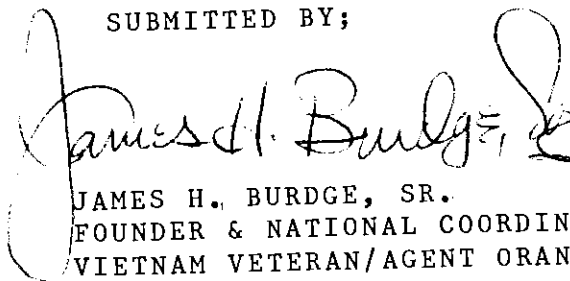
CLOSING COMMENTS ON
IVY AND MDL-381

I HAVE BEEN INVOLVED WITH THE AGENT ORANGE/DIOXIN ISSUE IN ONE FORM OR ANOTHER SINCE AROUND 1975 OR 1974. I HAVE SEEN MANY LIVES EFFECTED BY THE AGENT ORANGE/DIOXIN ISSUE.

I FEEL THAT VIETNAM VETERANS' HAVE BEEN LIED TO IN THIS COUNTRY ABOUT WHAT AGENT ORANGE/DIOXIN CAN DO TO THEM, AND THEIR FAMILIES. IT WAS ESTIMATED BY SOMEONE DURING THE MDL-381 PROCEEDINGS THAT IF THE MDL-381 CASE WOULD HAVE GONE TO TRIAL AND VETERANS' WON, IT COULD HAVE COST THE GOVERNMENT AND CHEMICAL COMPANIES AROUND \$368 BILLION TO TAKE CARE OF ALL THE CLAIMS THAT WOULD HAVE COME FROM THE MDL-381 CASE, IF IT WAS WON. TWO YEARS AGO, THE NATIONAL ARCHIVES IN WASHINGTON, D.C., WANTED TO DESTROY ALL OF THE DOCUMENTS THAT THE GOVERNMENT HAD IN THE NATIONAL ARCHIVES ON THE AGENT ORANGE/DIOXIN ISSUE. "WHY"??????? PROBABLY TO GET RID OF THE PROOF THAT THEY HAD!!!

THE IVY CASE SHOULD BE SENT BACK TO TEXAS STATE COURT, JUST TO SEE IF THERE IS "CAUSATION" WITH REGARDS TO EXPOSURE TO AGENT ORANGE/DIOXIN, AND HUMAN HEALTH. LET A JURY DECIDE!!!!!!

SUBMITTED BY;



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30th July, 1993